IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.Rev.Pet.No. 2976 of 2007()

ST.1208/2006 of J.F.C.M.-IV, KOCHI

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REVN. PETITIONER: COMPLAINANT

M/S.KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LTD, (KSIDC)
CHOICE TOWERS, MANORAMA JUNCTION,
COCHIN - 682 016
REPRESENTED BY ITS MANAGER (LEGAL) V.R.USHA.

BY ADV. SRI.A.K.SRINIVASAN

RESPONDENTS: ACCUSED & STATE

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1. M/S.LANSEA ICE & COLD STORAGE LTD,
10439, "CHERIYAKADAVU", KANNAMALLY,
COCHIN - 682 008.
REPRESENTED BY MANAGING DIRECTOR
MR.V.MADHU GANESH.

2. MR.V.MADHU GANESH, MANAGING DIRECTOR,
M/S.LANSEA ICE & COLD STORAGE LTD.,
RESIDING AT 13/1009, SANTHOSHI MANSION,
RAMESWARAM LANE, COCHIN - 682 005.

3. MR.SANTHOSH JOSEPH,
DIRECTOR, M/S.LANSEA ICE & COLD STORAGE LTD.,
RESIDING AT XV/275, SEALINE HOUSE,
NAZERATH, COCHIN - 682 002.

4. MR.RAGHU GANESH,
DIRECTOR, M/S.LANSEA ICE & COLD STORAGE LTD.,
RESIDING AT 13/1009, SANTHOSHI MANSION,
RAMESWARAM LANE, COCHIN - 682 005.

5. STATE OF KERALA, REPRESENTED BY
LEARNED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. 2976 of 2007

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Dated, this the 16th day of August 2007

ORDER

Petitioner who is the complainant in S.T. No. 1208 of 2006 on the file of the J.F.C.M.-IV, Kochi under Section 138 of the Negotiable Instruments Act, 1881 involving a cheque for Rs. 2 lakhs, challenges the order dated 29-03-2007 dismissing the complaint under Sec. 204 (4) Cr.P.C. for non-production of the postage for issuing summons by registered post.

2. Since the dismissal of the complaint was prior to the issuing of process to the accused, notice to respondents 1 to 4 is dispensed with.

3. According to the revision petitioner he had produced the stamped cover before the Chief Judicial Magistrate where the complaint was originally filed and for reasons beyond the control of the petitioner postal cover was not transmitted when the files were made over to the J.F. C.M. IV, Kochi. Such being the case, I am inclined to give the petitioner an opportunity to rectify the defect if any. Accordingly, the impugned order is set aside and S.T. 1208 of 2006 is stands restored to file. The petitioner shall produce fresh

postage stamps (if not already before court) to facilitate the court below to issue summons to the accused by registered post. This will be done within two weeks from today. Petitioner shall appear before the learned Magistrate on **23-08-2007** without any further notice.

V. RAMKUMAR,
(JUDGE)

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